

United States Senate  
WASHINGTON, DC 20510

November 17, 2009

The Honorable Eric Holder  
Attorney General  
United States Department of Justice  
Washington, D.C. 20530

Dear Attorney General Holder:

In June 2009 we and other senators wrote a classified letter to you requesting the declassification of information which we argued was critical for a productive debate on reauthorization of the USA PATRIOT Act. We appreciate that the Department of Justice has taken action on several of the issues we raised, including the release of information about use of the "lone wolf" surveillance authority. We also appreciate the Department's pledge to establish a process for releasing information contained in key decisions of the Foreign Intelligence Surveillance Court. However, the Department has yet to act on – or respond to – the issue we raised in the first two paragraphs of our letter.

We believe that the information we referenced in those paragraphs – specifically about the use of section 215 – is essential to understanding the full scope of the PATRIOT Act, which is about to be debated in Congress. As we said in June, if you have concerns about declassifying the specific language contained in our letter, we ask that you work with us to find language that conveys enough information to allow for an informed public debate on the PATRIOT Act's reauthorization.

The PATRIOT Act was passed in a rush after the terrorist attacks of September 11, 2001. Sunsets were attached to the Act's most controversial provisions, to permit better-informed, more deliberative consideration of them at a later time. Now is the time for that deliberative consideration, but informed discussion is not possible when most members of Congress – and nearly all of the American public – lack important information about the issue.

Thank you for your attention to this important matter. We look forward to your prompt response.

Sincerely,



Ron Wyden  
United States Senator



Russell D. Feingold  
United States Senator

Richard Durbin  
United States Senator